

**Community Preservation Act Committee (CPAC)**  
**Meeting Minutes**  
**Thursday, October 20, 2011**

The meeting was called to order at 6:02 pm by Peter Jessop, Chair, in the First Floor Meeting Room at Town Hall.

**COMMITTEE MEMBERS IN ATTENDANCE:**

Sandra Anderson, Marilyn Blaustein, Paris Boice, Lynda Faye, Michael Jacques, Peter Jessop, Ellen Kosmer, Mary Streeter, Stan Ziomek

**COMMITTEE MEMBERS ABSENT:**

**STAFF IN ATTENDANCE:** Sonia Aldrich, Dave Ziomek (arr. 6:25)

**OTHERS IN ATTENDANCE:** Pat Holland, Carl Mailler, Steve Dunn, Rob Kusner, members of NACF Board

**AGENDA**

- Elect Vice Chair & Clerk
- Review Financial status of the fund
- Finalize Proposal Letter
- Discuss deed restrictions
- Approve any minutes

**DISCUSSION**

**Elect Vice Chair & Clerk** – Ellen nominated Mary as Vice Chair. Marilyn nominated Sandy as Vice Chair.

**VOTED:** Mary – 5, Sandy – 2, (Mary and Sandy abstained)

**MOTION** by Mary, and seconded to have a rotating Clerk.

**VOTED 9 – 0** It was agreed by consensus that the rotation would be in alphabetical order by last name. Sandy will record the minutes at the next meeting.

**Review Financial status of the fund** – Sonia reviewed financial status. The actual State match for Fiscal Year 2011 has come in at \$106,414, which is about \$12,000 more than was anticipated. This match is based on the previous year's local 1.5% surcharge. There will be an estimated \$546,365.08 available for funding FY13 projects.

**Discussion of deed restrictions** – Steve Dunn said that preliminary indications are that the North Amherst Community Farm (NACF) barn could take \$500,000 for complete restoration, a sum that the NACF Board is not sure they can fund raise. The barn needs immediate repair before winter. CPAC and Town Meeting have approved \$10,000 for a feasibility study and \$15,000 for emergency repairs to halt deterioration. The proposed deed restriction would commit NACF to preserve the barn *in perpetuity*, something the Board feels they cannot responsibly commit to doing. They were unaware last spring of the extent of the restriction that would be required. Mr. Dunn suggested a restriction requiring the barn be preserved to a time certain, a few years, for these relatively small sums. NACF is a non-profit organization that hopes to preserve the barn for community events among other things.

Mary explained that she had consulted various local staff and Stuart Saginor of the Community Preservation Coalition. She expressed concern that small non-profits might be discouraged from applying for CPA funds due to the *in perpetuity* deed restriction. CPA has funded studies, which do not require a restriction, that use considerably more funds than NACF and, previously, the Women's Club requested funds for building repairs that do require a restriction and later withdrew due to the restriction. She suggested a provision that should the barn ever need to be demolished, it should be documented with photographs and a model available to the public. Pat Holland gave details about the feasibility study. Rob Kusner discussed proportionality for the restriction. Lynda supports the farm and suggested NACF fund the emergency repairs itself and seek CPA funds for the higher amount to preserve, rehabilitate, or restore the barn. Stan suggested the barn be reinforced for the winter. Peter explained that deed restrictions are generally left to Town staff to work out. Dave Ziomek discussed the complexities of the situation and said that Town Counsel has advised that the type of deed restriction is a policy decision. He suggested the committee give

input to staff. Marilyn recommended a three to five year limited restriction. Sandy agreed and with help from the committee crafted a motion.

Michael was concerned about setting a precedent. Mary suggested that projects requesting an amount of money, such as less than \$25,000, could be a trigger for deciding when a lesser restriction might apply. Marilyn and others felt this was not necessary. Lynda was concerned that using a lesser restriction might be counter to the intent of the CPA law. Dave said this is a one time unique situation and agreed that we need to be careful about precedent setting, especially with temporary restrictions. Carl Mailler asked whether there had been any previous requests for emergency repairs. If there have been, there have always been preservation restrictions on them. Peter said the lesser restriction should be for this project only. Lynda related past experiences with the ZBA where precedents were challenged. Rob Kusner explained that the study would go hand in hand with the repairs as the study will reveal unanticipated needed repairs. Dave Ziomek said he feels comfortable with this committee making the recommendation and Town staff would create a legal restriction.

**MOTION** by Sandy, seconded by Stan to recommend that the Town release the allocated \$25,000 to NACF with the understanding the urgent repairs need to be made to the historic barn, therefore the deed restriction should be limited and we further recommend that Town staff act expeditiously to craft a temporary deed restriction for the North Amherst Community Farm project.

**VOTED 8 – 1** (Lynda voted no.)

#### **Finalize Proposal Letter –**

Committee members made several suggestions for an application form to be used with the proposal letter. Peter will incorporate the suggestions into the letter and see that it is sent out.

#### **MINUTES**

**Motion** by Mike, 2nd by Lynda, to approve the minutes of **9/15/2011**. **VOTED 9 – 0**

#### **ADJOURNMENT**

A motion was made by Mike, 2nd by Lynda, to adjourn at 7:15 pm. Voted unanimously.

#### **NEXT MEETINGS**

Our next meeting will be **Thursday, November 17 at 7:00 pm in the Town Room, Town Hall**. Our meetings are usually scheduled for the 3<sup>rd</sup> Thursday of the month from September through April 2011. Meetings are scheduled for Dec. 15, Jan. 19, Feb. 16, and March 15, and April 19.

#### **DOCUMENTS DISTRIBUTED**

- Agenda, 1 page
- Spreadsheet “Financial Status for CPAC Funds”, 10/20/2011, 1 page
- Letter from Peter Jessop, CPAC “Call for Proposals Qualifying for CPA Funding”, Oct. 18, 2011, 3 pages
- CPA Proposal Request Form, 2 pages
- Email from Mary Streeter to Sonia Aldrich and Peter Jessop, “a request for another agenda item for Thursday’s CPA meeting”, 10/16/11, forwarding emails between Jonathan Tucker and Anne Forbes and Judy Markland, “[MassHistPres] CPA Policy”, 10/14/11-10/15/11, 3 pages
- Additional email responses from the MassHistPres listserv, “[MassHistPres] CPA Policy”, 10/14/11-10/16/11, 4 pages
- Emails between Mary Streeter and Jonathan Tucker, 10/18/11, “CPA Deed Restrictions”, 2 pages with attached Sample Preservation Restriction “Amherst Historical Society”, 9 pages
- Emails between Mary Streeter and Stuart Saginor, Executive Director, CPA Coalition, 10/18/11-10/19/11, “CPA Deed Restrictions”, 2 pages
- Emails between Jonathan Tucker 10/18/11 and Shirin Everett, Town Counsel, 10/20/11, including email from John Martin, 10/14/11 “RE: Request to waive historic pres. deed restriction”, 4 pages
- Minutes of **9/15/2011**, 2 pages

Respectfully submitted by Mary Streeter, Clerk  
Approved November 17, 2011